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### Sheila M. Lyons v. Salve Regina College

Salve Regina College

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Office of Public Information

# SRC *Newsbulletin*

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FOR IMMEDIATE RELEASE

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MAILED: DECEMBER 1, 1977

The United States Court of Appeals for the First Circuit on November 25, 1977 handed down its judgment in the case of Sheila M. Lyons vs. Salve Regina College, et. al. in which it reversed the judgment of the United States District Court for Rhode Island which had found in favor of Ms. Lyons.

The Court of Appeals noted in its opinion that:

"The crucial question before us is whether the District Court erred in construing the words 'recommendation of the committee...to the Dean' as binding upon the Dean."

The Court of Appeals found that:

"There is nothing in the instant record to indicate that a student at Salve Regina College had any rational basis for believing that the word 'recommendation' meant anything other than its normal everyday meaning. It is not a word of

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art, nor has it acquired any secondary meaning in academic circles which can be discerned from the instant record. Nothing in the student manual suggests that a recommendation by the Committee could reasonably be thought to be anything more than an expression of the Committee's opinion as to the preferred course of conduct to be followed by the Dean in resolving the issues between the teacher and the student. Nothing in this document affords any basis for a reasonable expectation that it was mandatory upon the Dean to follow the Committee's views. Consequently, we rule that it was error for the District Court, in effect, to convert a recommendation of the Committee into a mandatory order from the Committee to the Dean."

The decision and opinion of the Court of Appeals

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was a clear vindication of the position taken by Salve Regina College from the outset.

The essential issue was the nature of the relative authority of the Grade Appeal Committee and the Dean of Students as set forth in the College Manual and the Academic Information Booklet. The dispute arose initially when Ms. Lyons was awarded an "F" grade in Nursing 402A, and consequently, following the rules of the College, was excluded from continuing in a degree program in Nursing.

At Ms. Lyons' request, a three-member Grade Appeal Committee was established which resulted in three separate recommendations. One of these recommendations was the retention of the "F" grade, another recommendation proposed an incomplete on whose conditions the student and teacher would agree (they did not agree); the third recommended an incomplete. After an evaluation of the three recommendations and the record in the case, Dr. Sheila Megley, R.S.M., Dean of Students, supported the original decision of the faculty member involved in awarding the "F" grade. Ms. Lyons contended that the College Manual was a contract, and that the words "recommendation of the Grade Appeal Committee" constituted a binding decision which the Dean of

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Students must carry out. The College had asserted from the outset that the final decision was the Dean's while the Grade Appeal Committee's action constituted only a recommendation. It is this college position that was affirmed by the Court of Appeals.